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FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2370 OF 2004

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders.	: : : : :	Court's or Judge's Orders

Mr. A.S. Uraizee for the petitioner.

Ms. P.H. Kantharia, A.P.P. for the State.

Mr. A.K. Mollay for respondent 2.

CORAM: SMT. RANJANA DESAI &
A.S. OKA, JJ.

DATED: 15TH DECEMBER, 2004.

P.C.:-

In this petition, the petitioner, who is an ex-director of the National Institute of Industrial Engineering Society (for short, "the NITIE") has prayed for quashing of FIR No.255/2004 dated 13/8/2004 registered by respondent 1 under the provisions of the Schedule Castes and the Schedule Tribes (Prevention of Atrocities) Act of 1989 (for short, "the said Act") under section 7(1)(c)(d) and under section 7(1)(2).

Admittedly, the learned Metropolitan Magistrate of the 22nd Court, Andheri, Mumbai has committed the said case being Criminal Case No.452/PW/04 to the Special Court on 6/12/2004. In view of this, in our opinion, the proper course for the petitioner would be to approach the learned Special Judge of the Special Court under the said Act, for discharge.

We are informed by the learned counsel for the petitioner that though the case is committed to the Special Court, it would take a long time for the papers to travel from the learned Metropolitan Magistrate, 22nd Court, Andheri to the Special Court. In the facts and circumstances of the case, we direct the learned Metropolitan Magistrate, 22nd Court, Andheri to forward the record of Criminal Case No.452/PW/04 to the Special Court within one week from the production of the authenticated copy of this order before him.

The learned counsel for the petitioner states that the petitioner shall make an application for discharge within one week thereafter. If such an application is made, we direct the learned Special Judge, to dispose of the said application within a period of six weeks from the date on which it will be moved before him, in accordance with law. We have not expressed any opinion on the merits of the case.

Petition is disposed of in the aforestated terms.

All concerned to act on ordinary copy of this order duly authenticated by the Sheristedar of this court.

(SMT. RANJANA DESAI, J.)

(A.S. OKA, J.)